

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

**IN THE MATTER OF A CRIMINAL
COMPLAINT**

22-mj-1158-MJM

Case No. _____

UNDER SEAL

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Special Agent Natt Otterson of Homeland Security Investigations (“HSI”), being duly sworn, depose and state as follows:

INTRODUCTION

1. This Affidavit is submitted in support of a Criminal Complaint charging Malik COMEDY-BAYNES with possession with intent to distribute controlled substances, in violation of 21 U.S.C. § 841; and possession of a firearm in furtherance of a drug trafficking offense, in violation of 18 U.S.C. § 924(c).

2. I am an “investigative or law enforcement officer . . . of the United States” within the meaning of 18 U.S.C. § 2510(7), that is, an officer of the United States empowered by law to conduct investigations of and to make arrests for offenses enumerated in 18 U.S.C. § 2516. I am a Special Agent with HSI and am currently assigned to the Transnational Organized Crime Unit (TOC). Your affiant has been employed by HSI since 2010. Your affiant has participated in numerous investigations focusing on controlled dangerous substance (CDS) trafficking, gangs, and illegal firearms. Your affiant has conducted surveillance of suspected CDS and firearms traffickers; interviewed numerous individuals involved in gangs, the CDS trafficking trade, and the illegal firearms trade; participated in several Title III wiretap investigations as an affiant, monitor, and member of surveillance teams; participated in the execution of numerous state and federal search and arrest warrants involving CDS traffickers, firearms traffickers, violent

offenders, and prohibited persons in possession of firearms; and participated in the seizure of numerous firearms and controlled dangerous substances.

3. Through my training, education, and experience, I have become familiar with the manner in which CDS is packaged, transported and distributed, and the manner in which CDS traffickers operate in and around Baltimore City, Maryland as well as other areas. I am also familiar, based on my knowledge, training, and experience, with the possession and use of firearms by CDS traffickers. I know, based on my training, knowledge and expertise that CDS traffickers often possess firearms to protect themselves, protect their CDS trafficking activities, defend their “turf” (the area in which they operate), and to attack rival drug traffickers.

4. The statements made in this Affidavit are based in part on: (a) my personal participation in this investigation; (b) information provided to me by other law enforcement officers and (d) the training and experience of myself and other law enforcement agents and officers.

5. This Affidavit is made for the limited purpose of establishing probable cause in support of a Criminal Complaint and contains only a summary of relevant facts. I have not included every fact known to me concerning the entities, individuals, and the events described in this Affidavit, but I do not believe I have omitted any information that would have a tendency to defeat a showing of probable cause.

PROBABLE CAUSE

6. On November 27, 2021, officers of the Baltimore Police Department (BPD) were patrolling in the 3600 block of 9th Street in Baltimore City, Maryland, when they saw Malik COMEDY-BAYNES with a small group of individuals. COMEDY-BAYNES looked in the

direction of the officers¹, and quickly put his hands in his pockets. COMEDY-BAYNES then began walking away from the area and while doing so, the officers saw him manipulate the front of his waistband area while both of his hands were in his jacket pockets. A short time later, the officers saw COMEDY-BAYNES touch his waistband area with his left hand, which the officers believed, based on their training, knowledge, and expertise, to be a security check (a technique used by someone carrying a firearm to check that a firearm is secure). Both officers then saw the outline of a square object in COMEDY-BAYNES's front waistband (noticeable because COMEDY-BAYNES was wearing tight pants). Believing COMEDY-BAYNES to be armed, the officers began to approach COMEDY-BAYNES, at which time COMEDY-BAYNES fled on foot. During the brief foot chase, one of the officers saw COMEDY-BAYNES running with his left hand inside of his front waistband area while his right arm was swinging freely.

7. COMEDY-BAYNES was apprehended a short time later in the 700 Block of East Patapsco Avenue. An officer conducted a weapons pat down and immediately felt what he believed was a handgun in COMEDY-BAYNES's front waistband. The officer then searched COMEDY-BAYNES and recovered a loaded, 9mm, Polymer80, P80 handgun with no serial number. The officers also recovered from COMEDY-BAYNES's person (among other things): a plastic bag containing 12.5 grams of suspected cocaine base (crack cocaine); and a clear plastic bag containing 19 red and white capsules containing suspected heroin and/or fentanyl.

8. The suspected controlled substances were later tested by the Baltimore Police Department. The 12.5 grams of suspected controlled substances was found to contain cocaine base; the 19 red and while capsules were found to contain tramadol and fentanyl.

¹ The officers were driving an unmarked car but wearing black tactical vests with the word "Police" written on the front and back.

9. Based on my training, knowledge and expertise, I know that 12.5 grams of cocaine base has a retail value in Baltimore City of approximately \$1,250.00 and would constitute 25 or more individual retail units. Given the quantity and the fact that the crack cocaine was packaged in one large package, I believe COMEDY-BAYNES possessed the crack cocaine for distribution purposes rather than for personal use. I further know, based on my training, knowledge, and expertise that the 19 red and white capsules of fentanyl would have a retail value of approximately \$120.00 and the large quantity of capsules is indicative of distribution rather than personal use.² Accordingly, I believe COMEDY-BAYNES possessed the crack cocaine and fentanyl with the intent to distribute those substances.

10. I further know, based on my training, knowledge and expertise that CDS traffickers often possess firearms to protect themselves, protect their CDS trafficking activities, defend their “turf” (the area in which they operate), and to attack rival drug traffickers. Given the proximity of the handgun and controlled substances on COMEDY-BAYNES’s person, I believe COMEDY-BAYNES possessed the 9mm Polymer80 handgun in furtherance of his drug trafficking.

CONCLUSION

11. Based on the foregoing, I submit that there is probable cause to believe that on November 27, 2021, Malik COMEDY-BAYNES possessed with the intent to distribute cocaine base and fentanyl, in violation of 21 U.S.C. § 841; and that he possessed a firearm in furtherance of a drug trafficking offense in violation of 18 U.S.C. § 924(c).

WHEREFORE, in consideration of the facts presented, I respectfully request that this Court issue an arrest warrant for Malik COMEDY-BAYNES.

²In addition, I know, based on my training, knowledge and expertise, that CDS packaged in this way can often be further divided into smaller quantities depending on the quantity and purity of the CDS.

natt otterson

Natt Otterson
Special Agent, Homeland Security Investigations

Affidavit submitted by email and attested to me as true and accurate by telephone
consistent with Fed. R. Crim. P. 4.1 and 4(d) this 15th day of April, 2022.



Honorable Matthew J. Maddox
United States Magistrate Judge